



RECEIVED

FEB 04 2004

OFFICE OF PETITIONS

PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Maynard et al.

Serial No.: 10/038,528

Filed: January 2, 2002

For: Exchanging Electronic Messages
Between a Host Computer System
and a Distributed Computer
System

Art Unit: 2152

Confirmation No.: 6033

**PETITION UNDER 37 C.F.R. §1.137(b) FOR REVIVAL OF AN APPLICATION
ABANDONED FOR UNINTENTIONAL DELAY**


Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Applicants named in the patent application identified above hereby petition under 37 C.F.R. §1.137(b) to revive that patent application. On January 2, 2004, the Patent Office mailed a Notice of Abandonment (attached hereto as Exhibit A) in connection with the above-identified patent application. The Applicants were not aware that the application was abandoned until the Applicants received the Notice of Abandonment on January 7, 2004. The Notice of Abandonment states that the application went abandoned for failure to timely or properly reply to the Notice to File [Corrected Application Papers] mailed on May 23, 2002 (attached hereto as Exhibit B). However, Applicants never received the May 23, 2002 Notice to File Corrected Application Papers. Accordingly, the Applicants request revival of the application.

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on January 30, 2004.

02/03/2004 EFLORES 00000042 110980 10038528
01 FC:1453 1330.00 DA


A. Shane Nichols, Reg. No. 43,836

A petition under 37 C.F.R. § 1.137(b) requires:

- (1) the required reply, unless previously filed;
- (2) the petition fee as set forth in 37 C.F.R. 1.17(m);
- (3) a statement that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional; and
- (4) any terminal disclaimer required pursuant to 37 C.F.R. 1.137(d).

Regarding element (1) - the reply: the Applicants have attached to this Petition the required reply as Exhibit F. Exhibit F includes a reply to the May 23, 2002 Notice to File Corrected Application Papers, a letter to the Official Draftsperson, and a set of replacement drawings with proper margins.

Regarding element (2) - the petition fee: the Commissioner is hereby authorized to charge the undersigned's Deposit Account No. 11-0980 the amount of \$1330.00 to cover the petition fee and any additional fees necessary for consideration of this petition and the reply. A duplicate copy of this page is attached for the processing of this deposit account authorization.

Regarding element (3) - the statement: the delay in filing the required reply from the due date for the reply until the filing of this grantable petition pursuant to 37 C.F.R. 1.137(b) was unintentional. The following Statement of Facts sets forth the facts that the Applicants believe to be relevant to the consideration of this Petition and that demonstrate that the delay in filing the reply to the May 23, 2002 Notice to File Corrected Application Papers was unintentional.

Regarding element (4) - the terminal disclaimer: because this utility application was filed after June 8, 1995, a terminal disclaimer is not required for granting this petition.

STATEMENT OF FACTS

The Applicants respectfully submit the following facts that the Applicants believe to be relevant to the consideration of this Petition:

1. The Applicants filed the present application on January 2, 2002 and received a filing receipt dated February 13, 2002. The patent application was filed with informal drawings and without an executed Declaration or filing fee.

2. On February 13, 2002, a Notice to File Missing Parts (attached hereto as Exhibit C) was mailed to Applicants' counsel. The Notice to File Missing Parts identified the Declaration and fee as parts missing from the application. The Notice to File Missing Parts stated that Applicants were given an extendable two month period in which to respond to avoid abandonment.

3. The February 13, 2002 Notice to File Missing Parts also stated that substitute drawings were required because some of the drawings previously submitted with the application did not have the appropriate margins. The Notice to File Missing Parts stated that the substitute drawings must be "timely submitted" to avoid abandonment. However, the Notice to File Missing Parts did not set a particular date on which the corrected drawings were required.

4. On April 26, 2002, the Applicants responded in good faith to the Notice to File Missing Parts by filing a Transmittal of Missing Parts (attached hereto as Exhibit D) including:

- (a) an executed Declaration and Power of Attorney for Applicants;
- (b) a check in the amount of \$996 to cover the basic filing fee and the surcharge for the late filing of the missing parts;
- (c) a duplicate copy of Notice to File Missing Parts of Application -- Filing Date Granted; and
- (d) a One Month Petition and Extension of Time fee (\$110).

The Applicants' Transmittal of Missing Parts unintentionally omitted the corrected drawings.

5. On May 17, 2002, the Applicants received a postcard (attached hereto as Exhibit E) from the Patent Office confirming the receipt of the Transmittal of Missing Parts and its attachments.

6. The Applicants received nothing further from the Patent Office for the next 18 months. On November 20, 2003, Applicants filed a Status Inquiry to determine the status of the

application that had -- at that time -- been in the Patent Office for 22 months. The Applicants never received a response to the November 20, 2003 Status Inquiry.

7. On January 2, 2004 a Notice of Abandonment was mailed to Applicants' counsel. The Notice of Abandonment stated that the "application is abandoned for failure to timely or properly reply to the Notice to File [Corrected Application Papers] mailed on 5/23/2002."

8. As is the usual practice of the Patent Office, a Notice to File Corrected Application Papers was mailed to the Applicants when it was determined by the Patent Office that the Applicants' Transmittal of Missing Parts omitted the corrected drawings. The Applicants never received the May 23, 2002 Notice to File Corrected Application Papers. Accordingly, Applicants remained unaware of the omitted corrected drawings.

9. On January 7, 2002, Applicants' counsel received the January 2, 2004 Notice of Abandonment. Applicants' counsel immediately initiated an investigation to determine whether the Notice of Abandonment was meritorious. It was determined that the May 23, 2002 Notice to File Corrected Application Papers referred to by the Notice of Abandonment was never received by the Applicants.

10. On January 21, 2004, Applicants' counsel spoke with the Patent Office Customer Service Center to inform the Patent Office that the May 23, 2002 Notice to File Corrected Application Papers had not been received by the Applicants. Subsequently, the Customer Service Center sent Applicants' counsel by facsimile an unsigned copy of a Notice to File Corrected Application Papers, dated May 23, 2002.

11. On January 22, 2004, Counsel for Applicants confirmed that the May 23, 2002 Notice to File Corrected Application Papers was never received by counsel's offices and was never received by counsel's docketing department.

FEB 04 2004



UNITED STATES PATENT AND TRADEMARK OFFICE

OFFICE OF PETITIONS

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NUMBER	FILING OR 371(C) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/038,528	01/02/2002	Tony Maynard	16600.105001

20786
KING & SPALDING
191 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763



CONFIRMATION NO. 6033

ABANDONMENT/TERMINATION
LETTER

OC000000011597547

Date Mailed: 01/02/2004

NOTICE OF ABANDONMENT UNDER 37 CFR 1.53 (f) OR (g)

The above-identified application is abandoned for failure to timely or properly reply to the Notice to File Missing Parts (Notice) mailed on 05/23/2002.

- No reply was received.

A petition to the Commissioner under 37 CFR 1.137 may be filed requesting that the application be revived.

Under 37 CFR 1.137(a), a petition requesting the application be revived on the grounds of **UNAVOIDABLE DELAY** must be filed promptly after the applicant becomes aware of the abandonment and such petition must be accompanied by: (1) an adequate showing of the cause of unavoidable delay; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(l); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Under 37 CFR 1.137(b), a petition requesting the application be revived on the grounds of **UNINTENTIONAL DELAY** must be filed promptly after applicant becomes aware of the abandonment and such petition must be accompanied by: (1) a statement that the entire delay was unintentional; (2) the required reply to the above-identified Notice; (3) the petition fee set forth in 37 CFR 1.17(m); and (4) a terminal disclaimer if required by 37 CFR 1.137(d).

Any questions concerning petitions to revive should be directed to the "Office of Petitions" at (703) 305-9282. Petitions should be mailed to: Mail Stop Petitions, Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450.

*A copy of this notice **MUST** be returned with the reply.*

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/038,528	01/02/2002	Tony Mayard	16600.105001

20786
KING & SPALDING
191 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763



CONFIRMATION NO. 6033
FORMALITIES LETTER



Date Mailed: 05/23/2002

NOTICE TO FILE CORRECTED APPLICATION PAPERS

Filing Date Granted

This application has been accorded an Application Number and Filing Date. The application, however, is informal since it does not comply with the regulations for the reason(s) indicated below. Applicant is given **TWO MONTHS** from the date of this Notice within which to correct the informalities indicated below. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a)

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch); a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202
PART 1 - ATTORNEY/APPLICANT COPY



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

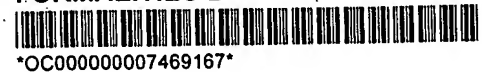
APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/038,528	01/02/2002	Tony Mayard	16600.105001

20786
KING & SPALDING
191 PEACHTREE STREET, N.E.
ATLANTA, GA 30303-1763



CONFIRMATION NO. 6033

FORMALITIES LETTER



OC000000007469167

Date Mailed: 02/13/2002

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 740 to complete the basic filing fee for a non-small entity. If appropriate, applicant may make a written assertion of entitlement to small entity status and pay the small entity filing fee (37 CFR 1.27).
- Total additional claim fee(s) for this application is \$126.
 - \$126 for 7 total claims over 20.
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(l) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 996.**

The application is informal since it does not comply with the regulations for the reason(s) indicated below.

The required item(s) identified below must be timely submitted to avoid abandonment:

- Substitute drawings in compliance with 37 CFR 1.84 because:
 - drawing sheets do not have the appropriate margin(s) (see 37 CFR 1.84(g)). Each sheet must include a top margin of at least 2.5 cm. (1 inch), a left side margin of at least 2.5 cm. (1 inch), a right side margin of at least 1.5 cm. (5/8 inch), and a bottom margin of at least 1.0 cm. (3/8 inch);



A copy of this notice MUST be returned with the reply.

Sub. P. M.

Customer Service Center

Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Tony Maynard et al.

Serial No. 10/038,528

Filed: January 2, 2002

Art Unit: 2152

For: EXCHANGING ELECTRONIC
MESSAGES BETWEEN A HOST
COMPUTER AND A DISTRIBUTED
COMPUTER SYSTEM

TRANSMITTAL OF MISSING PARTS AND FILING FEE

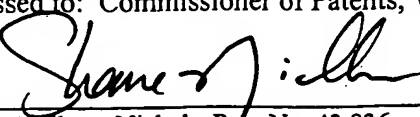
Box Missing Parts
Commissioner of Patents
Washington, DC 20231

Sir:

In response to the Notice of Missing Parts mailed February 13, 2002, the undersigned attorney for applicant hereby transmits:

1. an executed Declaration and Power of Attorney for Applicants;
2. a check in the amount of \$996 to cover the basic filing fee and the surcharge for the late filing of these parts; and
3. a duplicate copy of Notice to File Missing Parts of Application—
Filing Date Granted.
4. a One Month Petition and Extension of Time fee (\$110)

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents, Washington, D.C. 20231, on April 26, 2002.


A. Shane Nichols, Reg. No. 43,836



The U.S.P.T.O official mailroom stamp affixed hereto acknowledges receipt of the items listed below.

Applicant Tony Maynard et al.

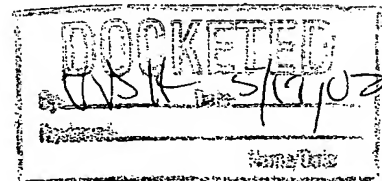
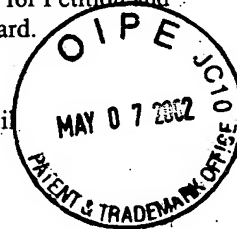
Serial No. 10/038,528

Title EXCHANGING ELECTRONIC MESSAGES BETWEEN
HOST COMPUTER SYSTEM AND A DISTRIBUTED
COMPUTER SYSTEM

Papers Submitted: Petition for Extension of Time (1 pg); Transmittal of Missing
Parts (2 pg); duplicate of Notice to File Missing Parts (2 pgs);
Declaration and Power of Attorney (9 pgs); Check for \$996 for
filing fees and surcharge; Check for \$110 for Petition and
Extension of Time Fee; and Return Postcard.

Attorney
Date Mailed
Docket

ASN/jmh
April 26, 2002 by first class mail
16600.105001





PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
Maynard et al.)
)
Serial No. **10/038,528**)
)
Filed: **January 2, 2002**) **Group Art Unit: 2152**
)
For: **Exchanging Electronic Messages Between**)
 a Host Computer System and a Distributed)
 Computer System)

TRANSMITTAL OF CORRECTED APPLICATION PAPERS

Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Corrected Application Papers mailed May 23, 2002, the undersigned attorney for applicant hereby transmits:

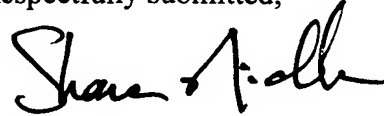
1. Letter to Official Draftsperson stating no new matter is contained in the attached set of substitute replacement drawings (sheets 1 - 25); and
2. a duplicate copy of Notice to File Corrected Application Papers (attached as Exhibit B).

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, Alexandria, VA 22313-1450, on January 30, 2004.

A. Shane Nichols, Reg. No. 43,836

It is believed that the submission of these papers completes the filing of all necessary papers and it is therefore respectfully requested that the application be passed to the appropriate examining group for action on the merits.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Shane Nichols", written in a cursive style.

A. Shane Nichols
Reg. No. 43,836

King & Spalding LLP
191 Peachtree Street, N.E., 45th Floor
Atlanta, Georgia 30303
404.572.4600
K&S Docket: 16600.105001
3403181



PATENTS

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Maynard et al.

Serial No.: **10/038,528**

Group Art Unit: **2152**

Filed: **January 2, 2002**

For: **Exchanging Electronic Messages
Between a Host Computer System and a
Distributed Computer System**

**LETTER TO OFFICIAL DRAFTSPERSON REQUESTING APPROVAL OF
SUBSTITUTE REPLACEMENT FORMAL DRAWINGS**

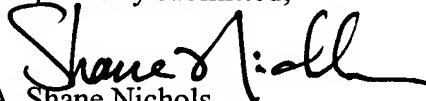
Mail Stop Petitions
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner is respectfully requested to approve the attached substitute, replacement formal drawings. These drawings do not contain new matter.

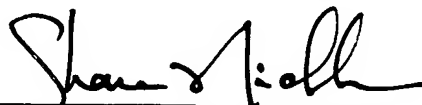
The originally filed, informal drawings should be replaced with these formal drawings. These formal drawings address the objections made against the originally filed, informal drawings by the PTO Official draftsman in the above-identified application.

Respectfully submitted,


A. Shane Nichols
Reg. No. 43,836

King & Spalding LLP
191 Peachtree Street, N.E., 45th Floor
Atlanta, GA 30303
404.572.4600
K&S Docket: 16600.105001
3403159

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Petitions, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on January 30, 2004.


A. Shane Nichols, Reg. No. 43,836

100

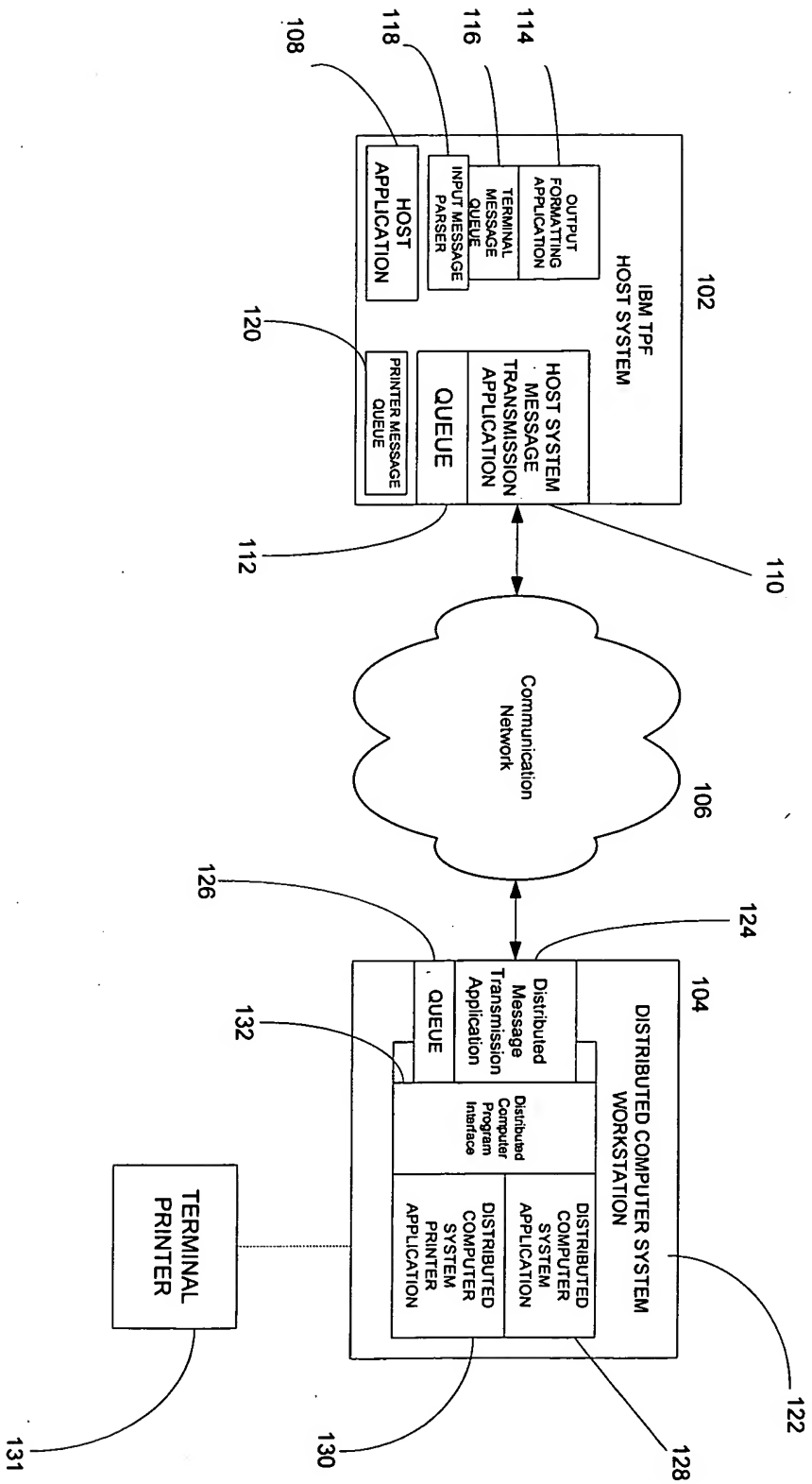


Fig. 1

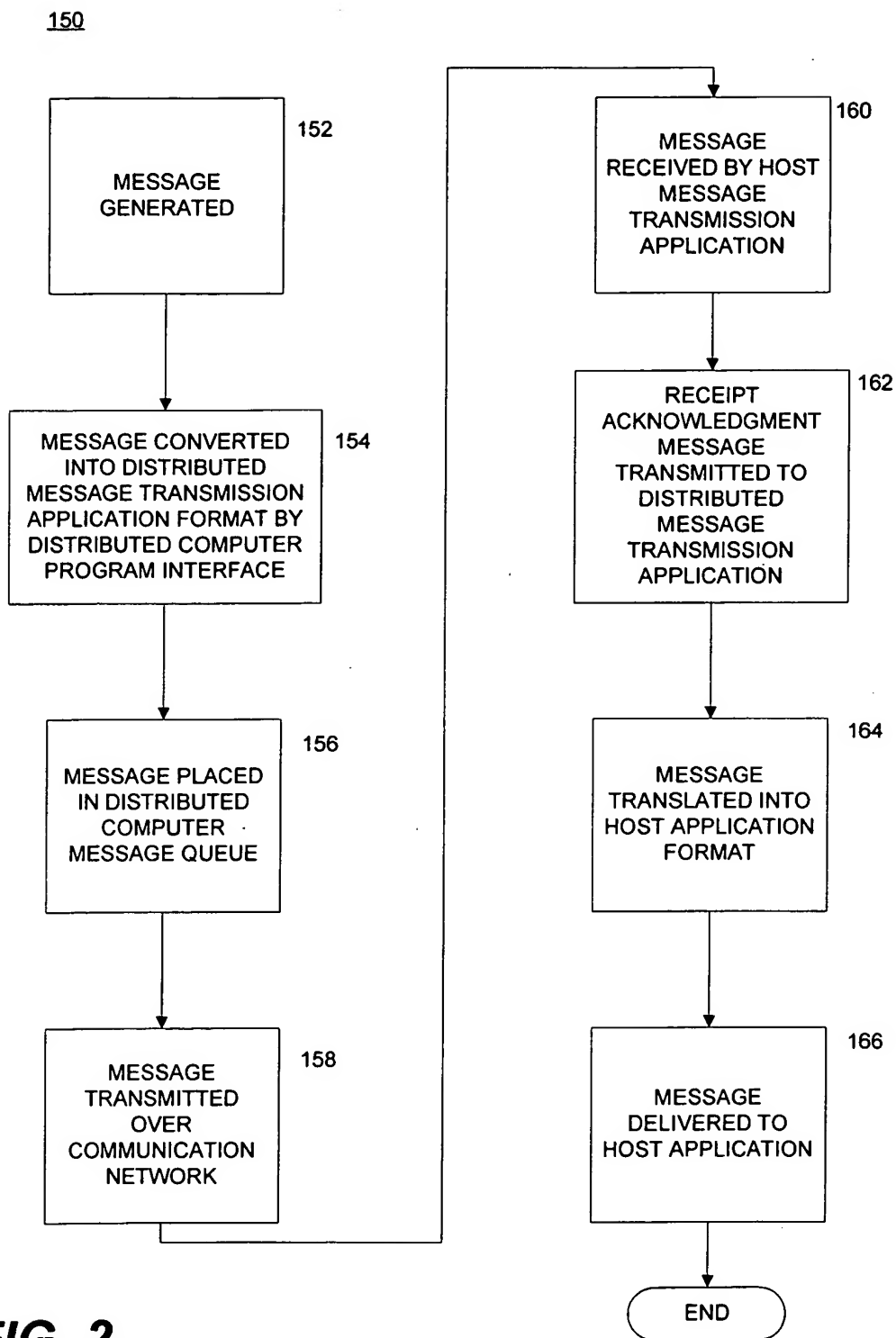


FIG. 2

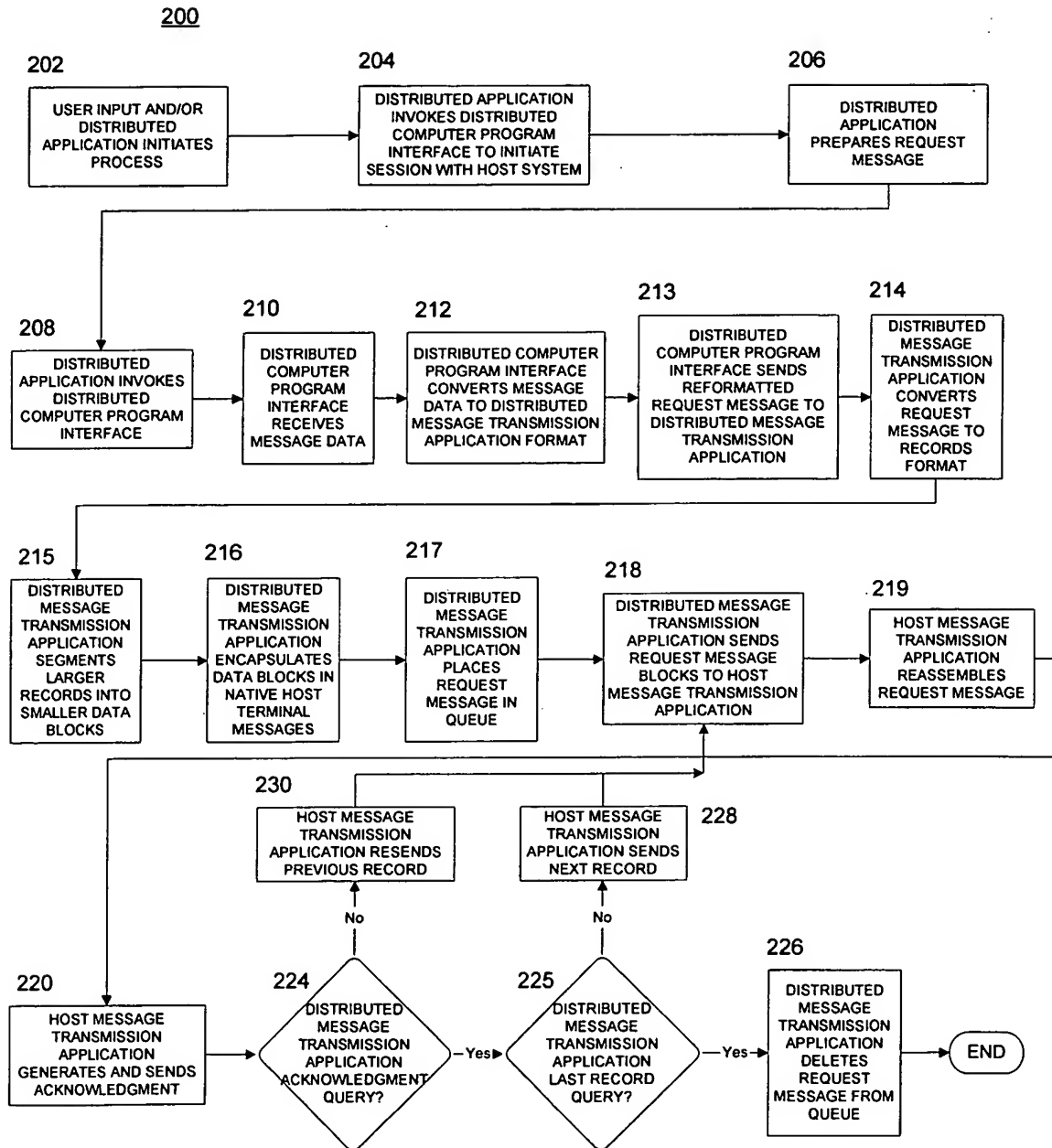


FIG. 3

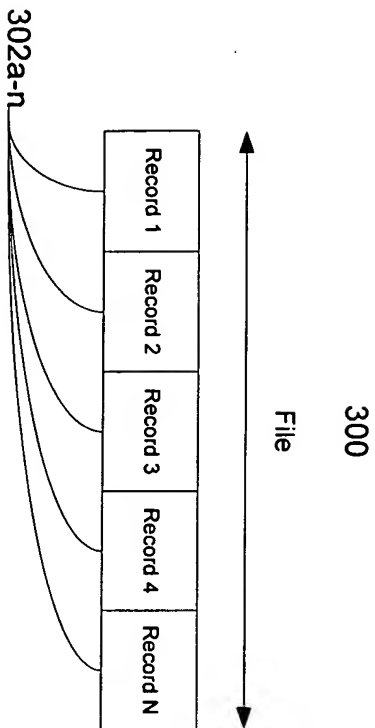


FIG. 4A

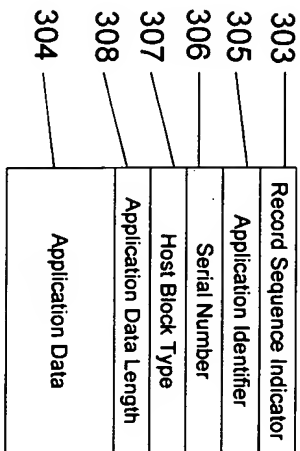


FIG. 4B

Distributed
 Computer
 Program
 Interface
 Electronic
 Record
 Request or
 Reply

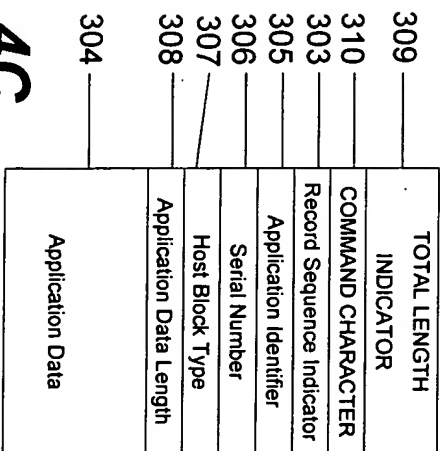


FIG. 4C

Distributed
 Computer
 Program
 Interface
 Electronic
 Record
 Requests or
 Reply

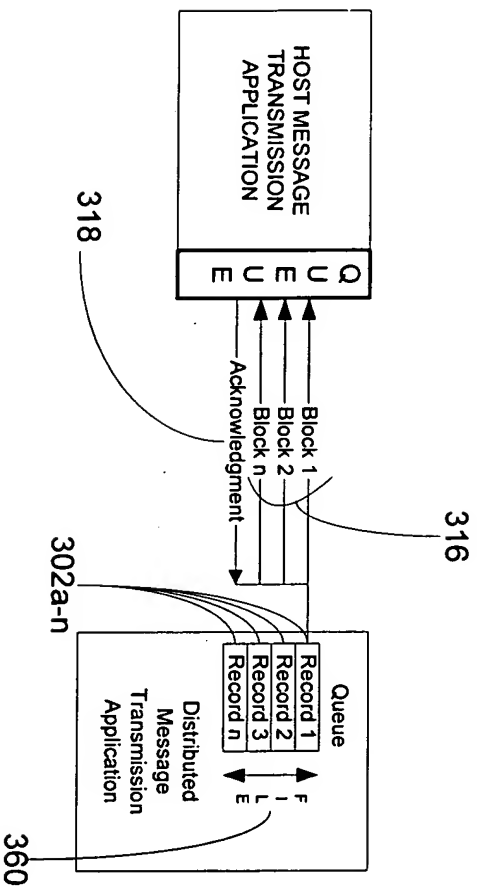


FIG. 5

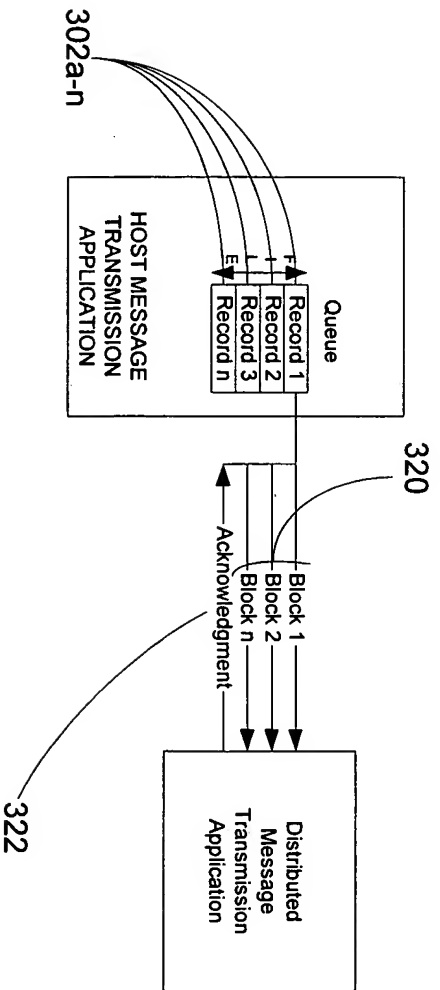


FIG. 6

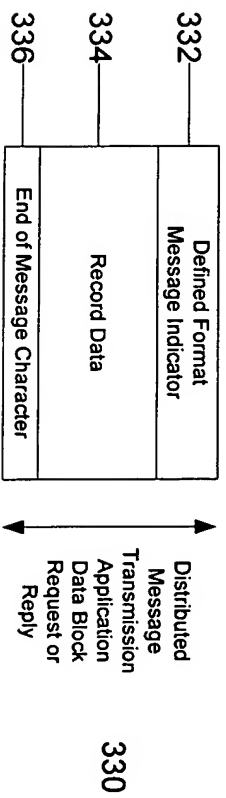


FIG. 7

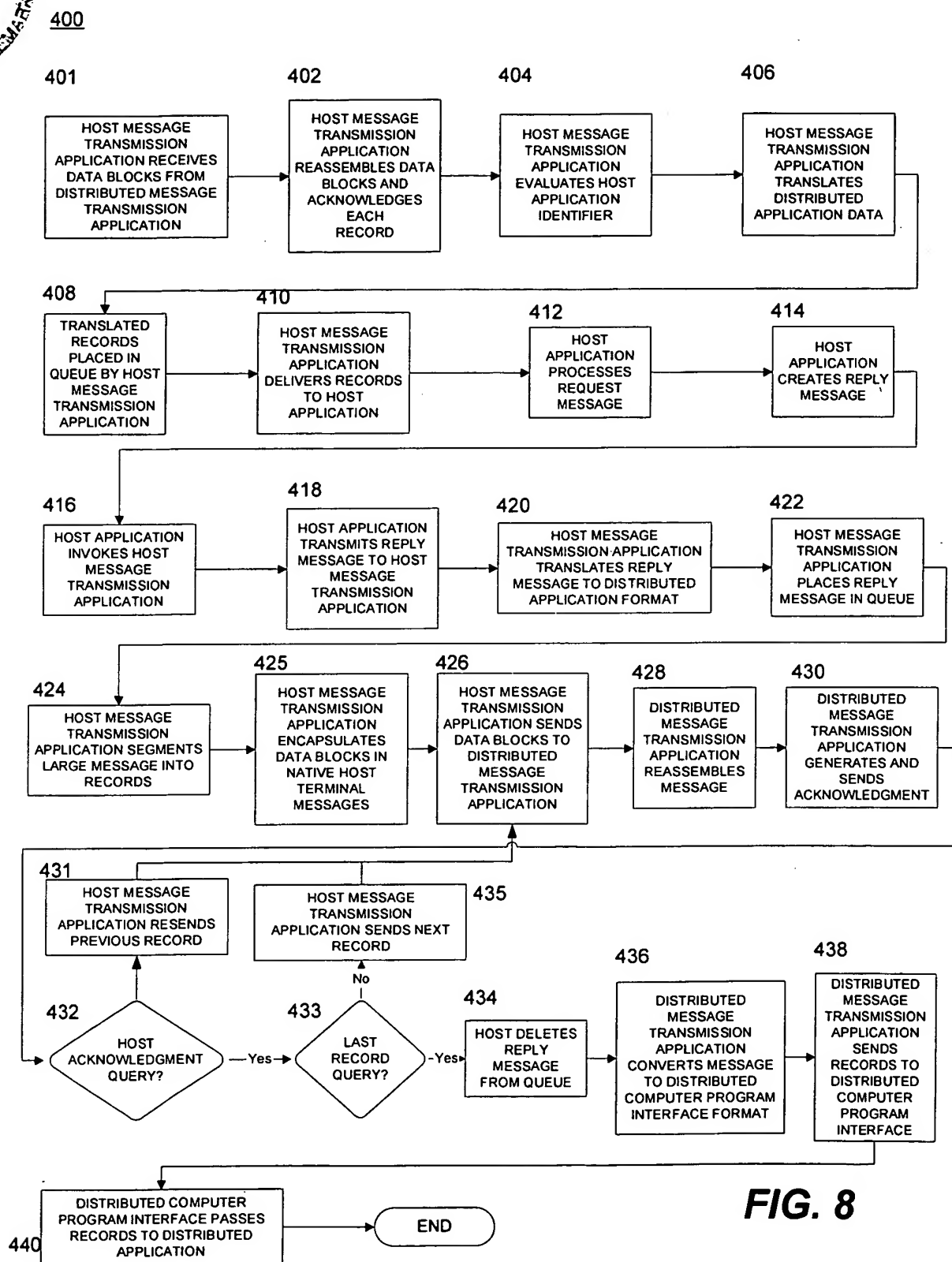


FIG. 8

500

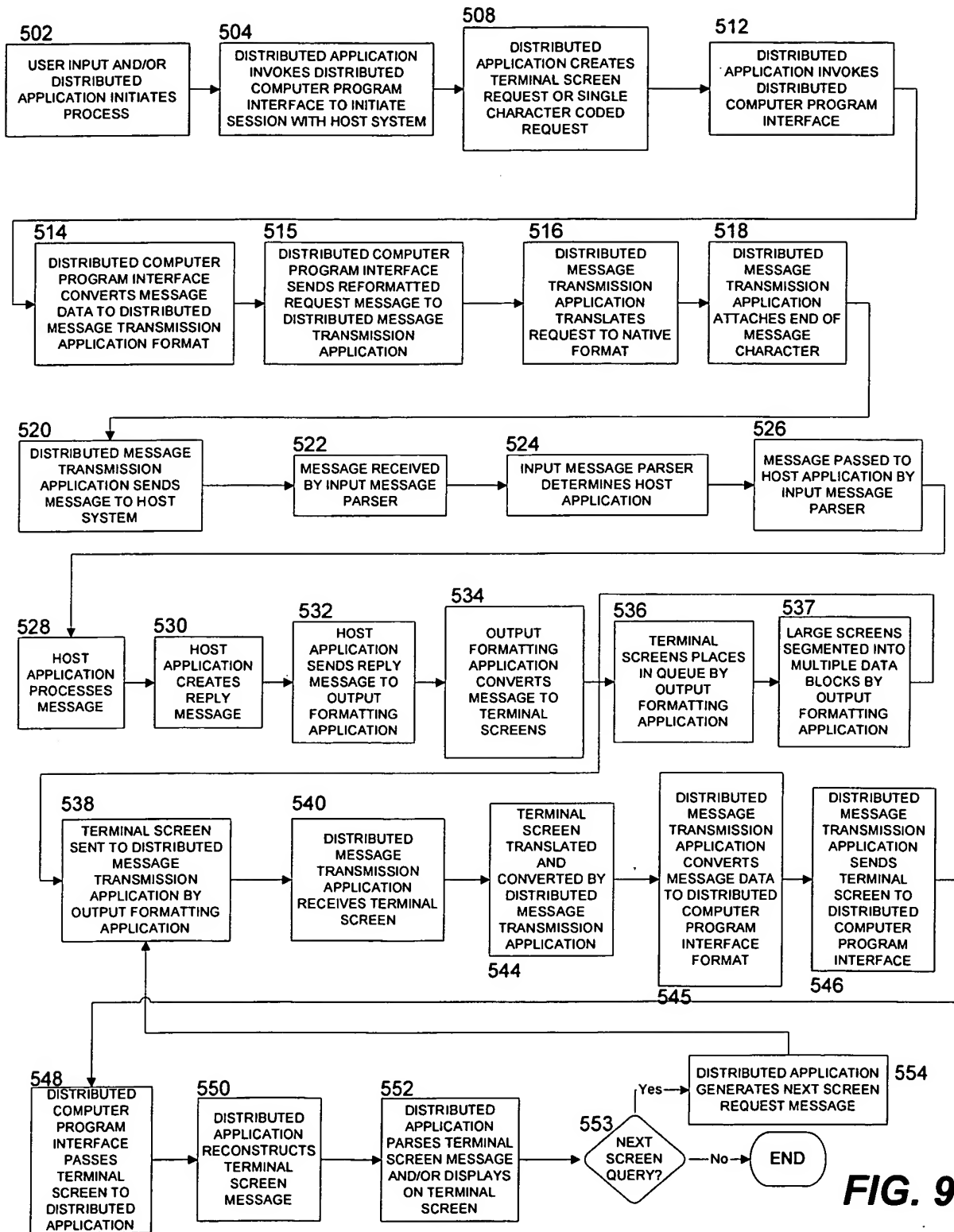


FIG. 9

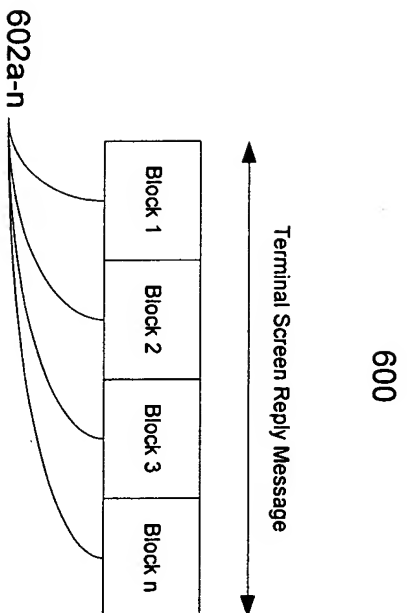


FIG. 10

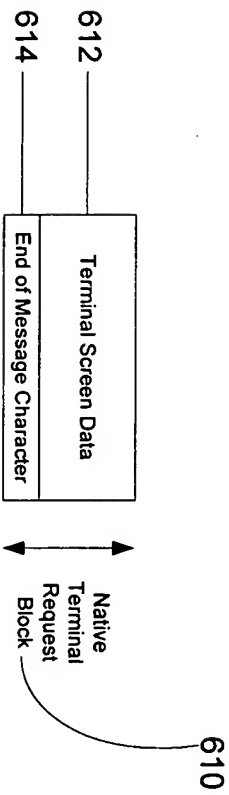


FIG. 11A

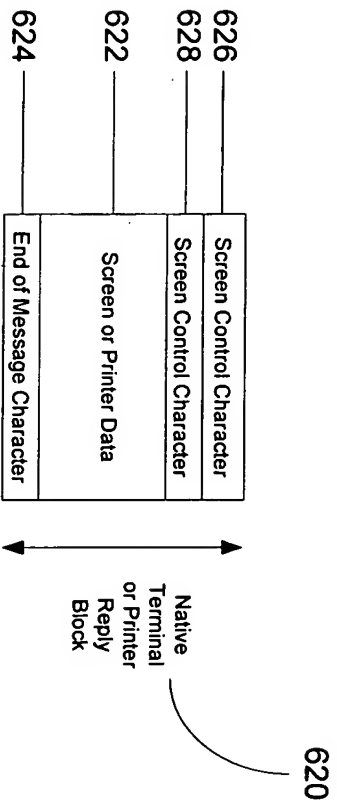


FIG. 11B

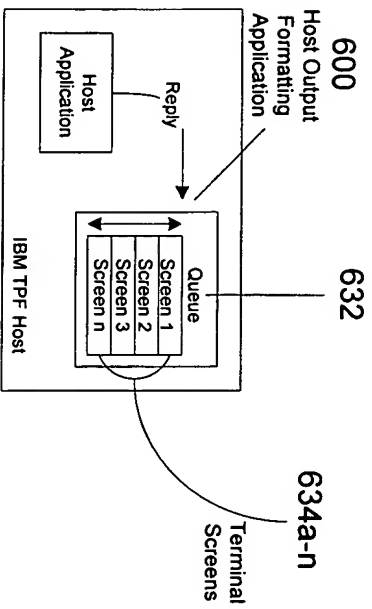


FIG. 12

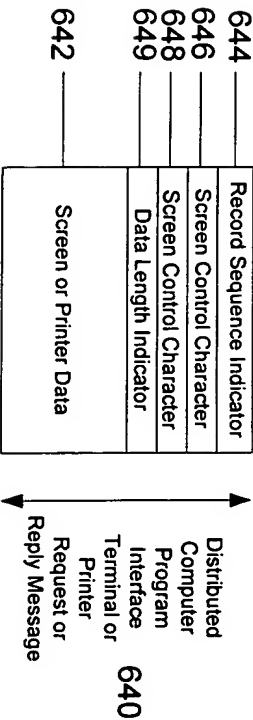


FIG. 13

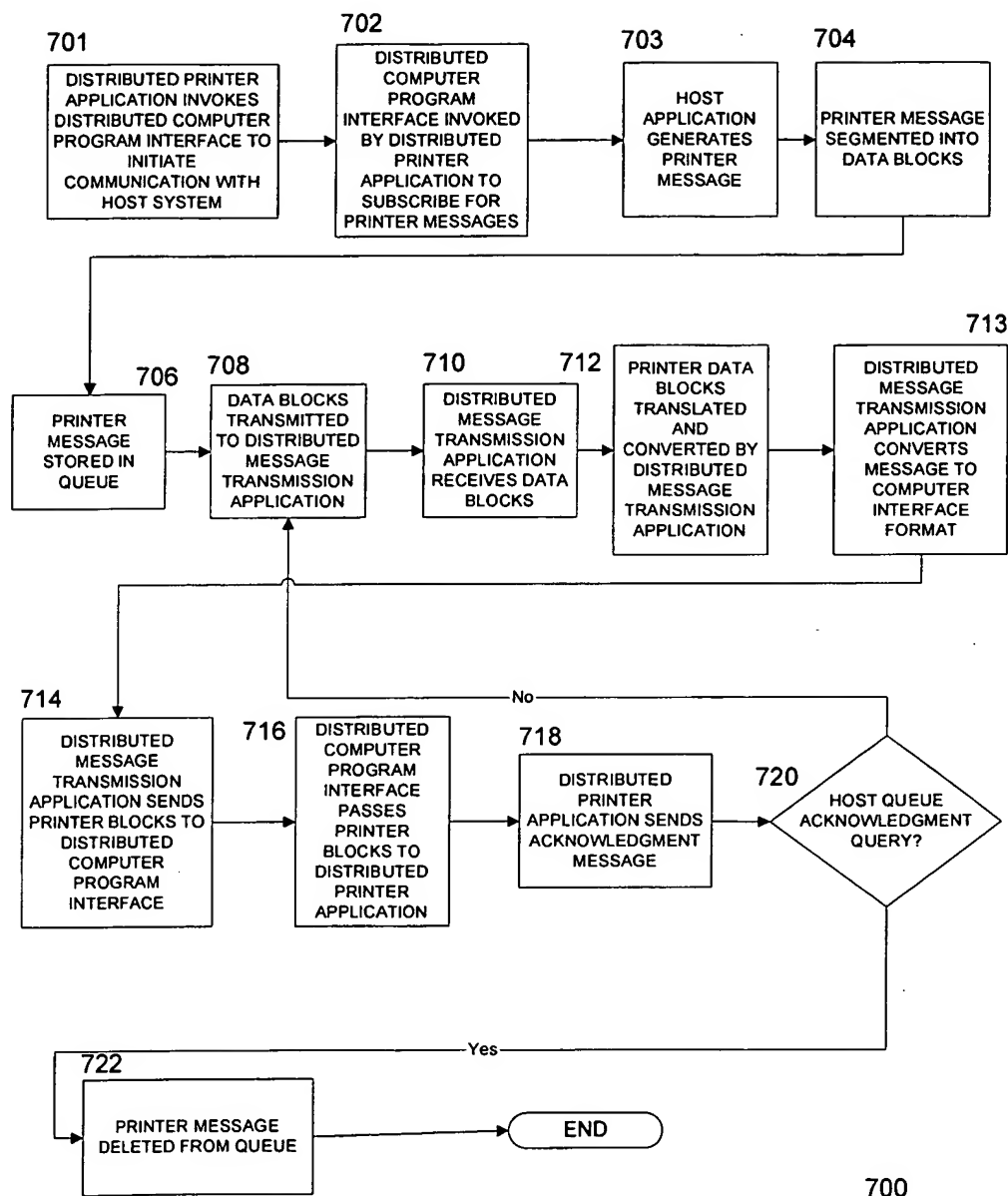


FIG. 14

18/28

750

Printer Reply Message

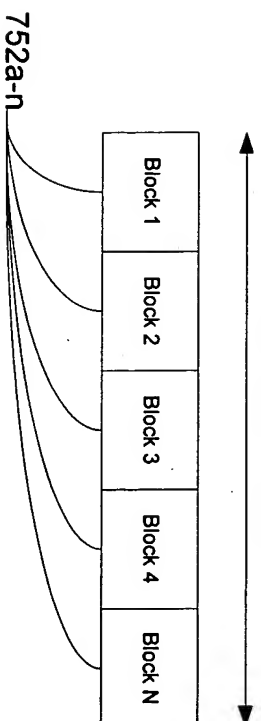


FIG. 15



755

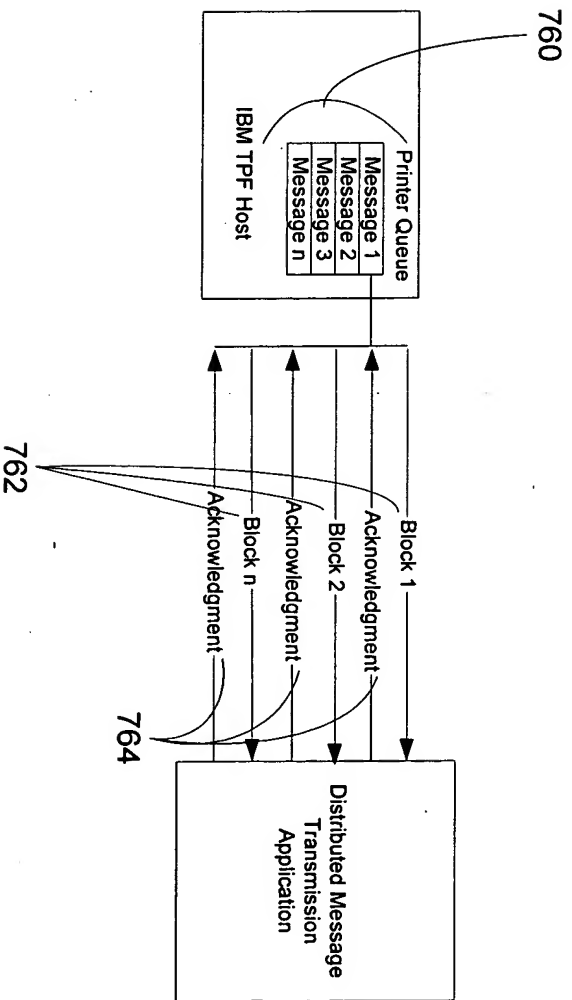


FIG. 16

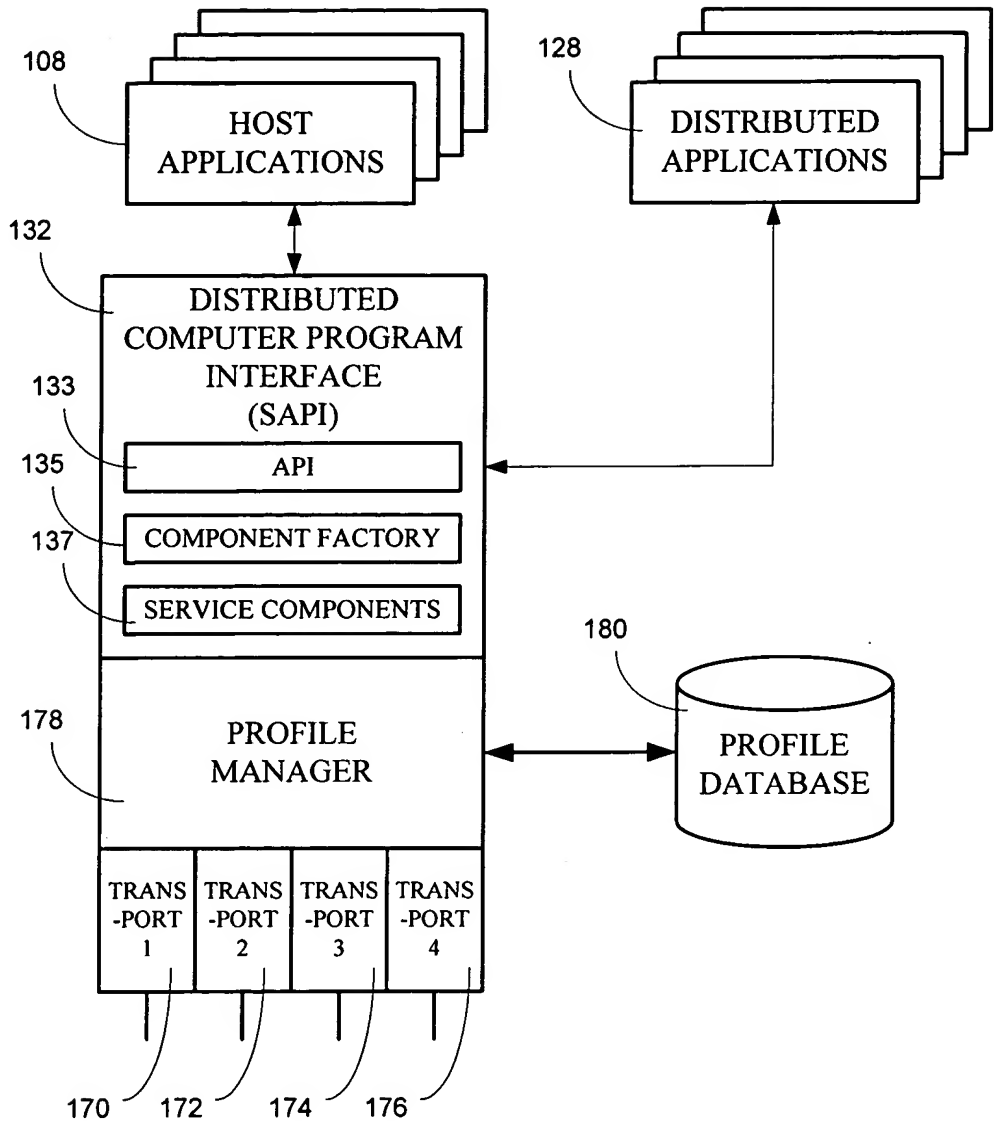


Fig. 17

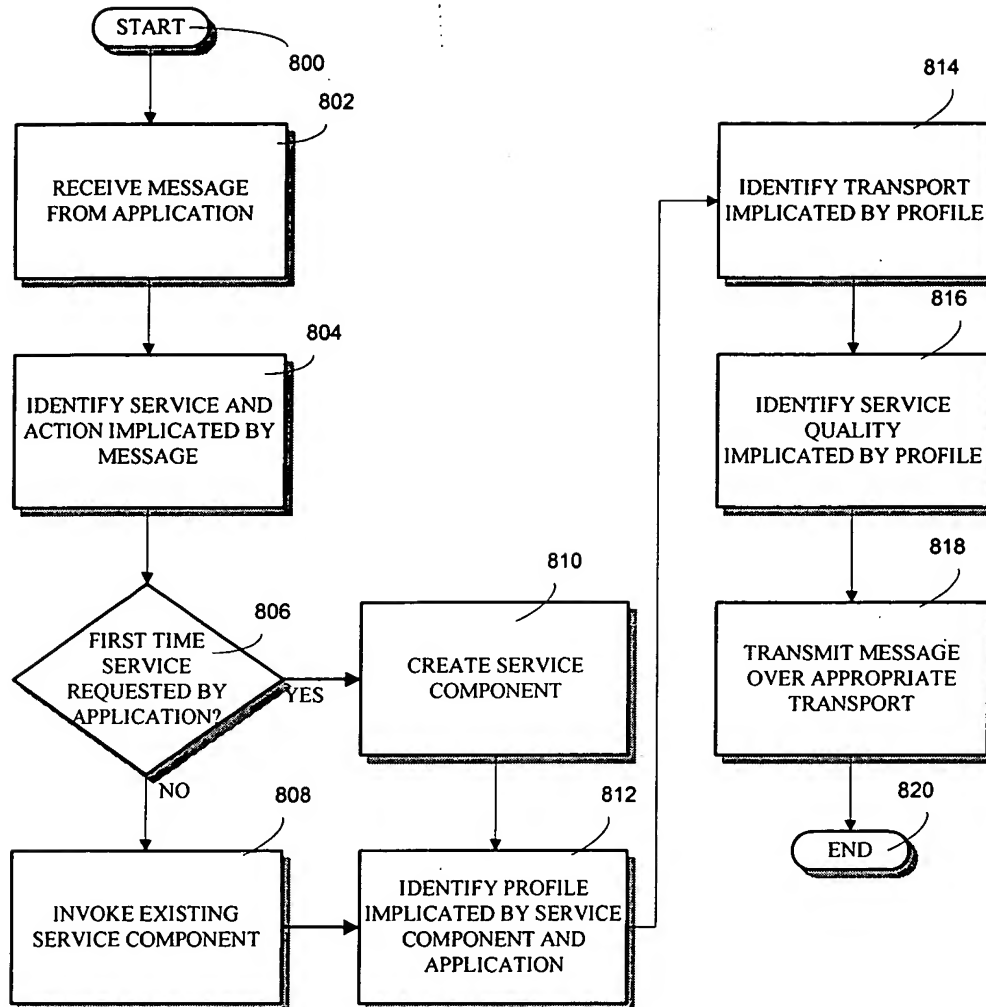


Fig. 18

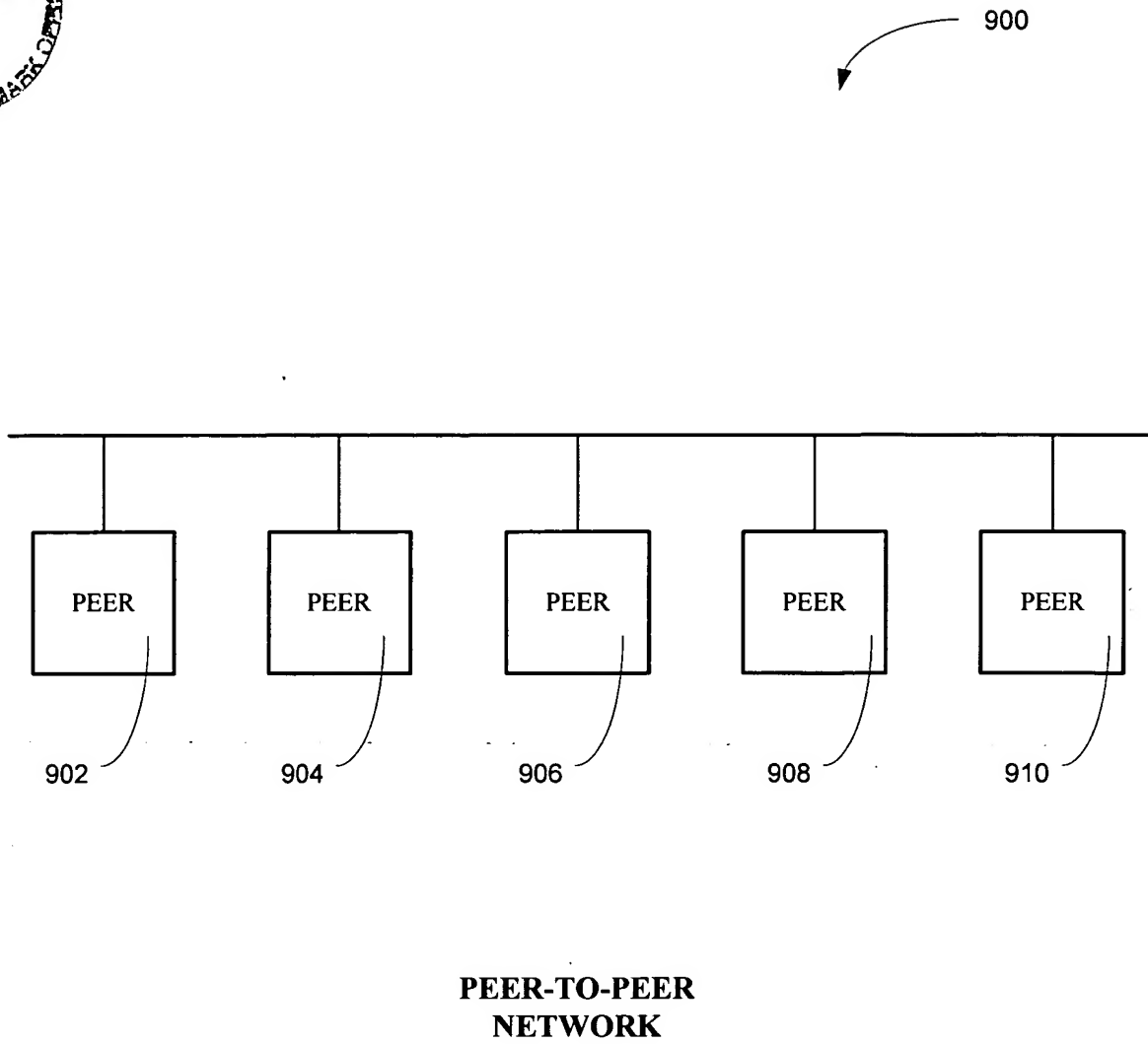


Fig. 19

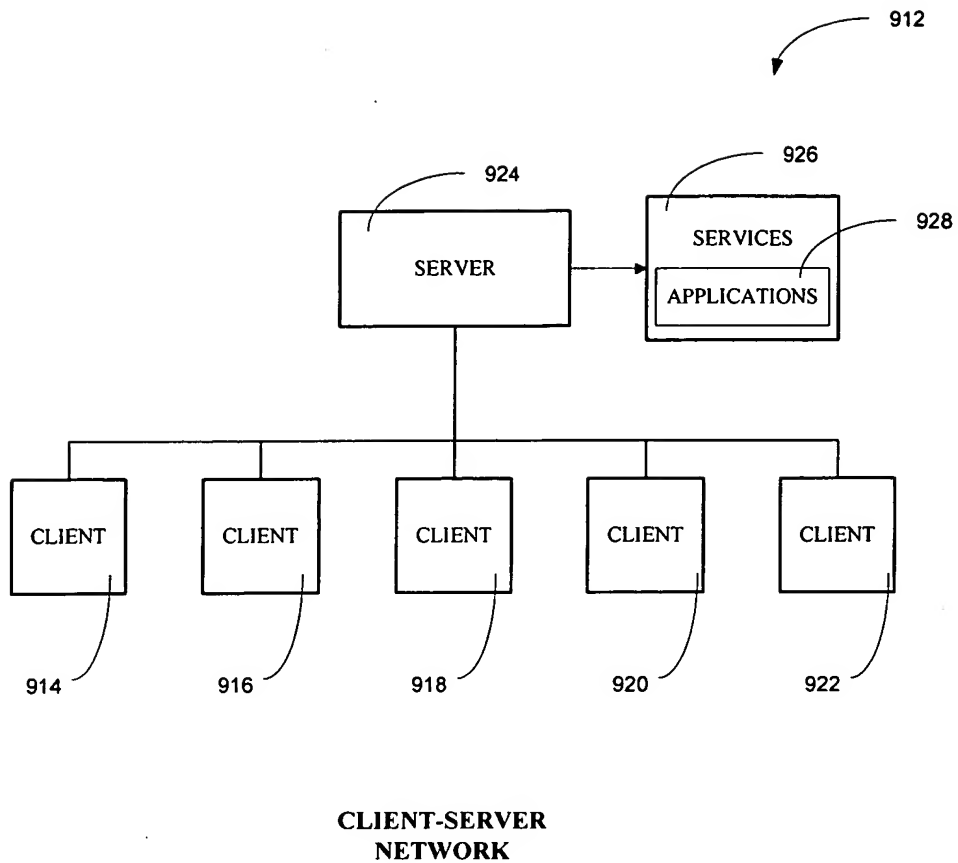
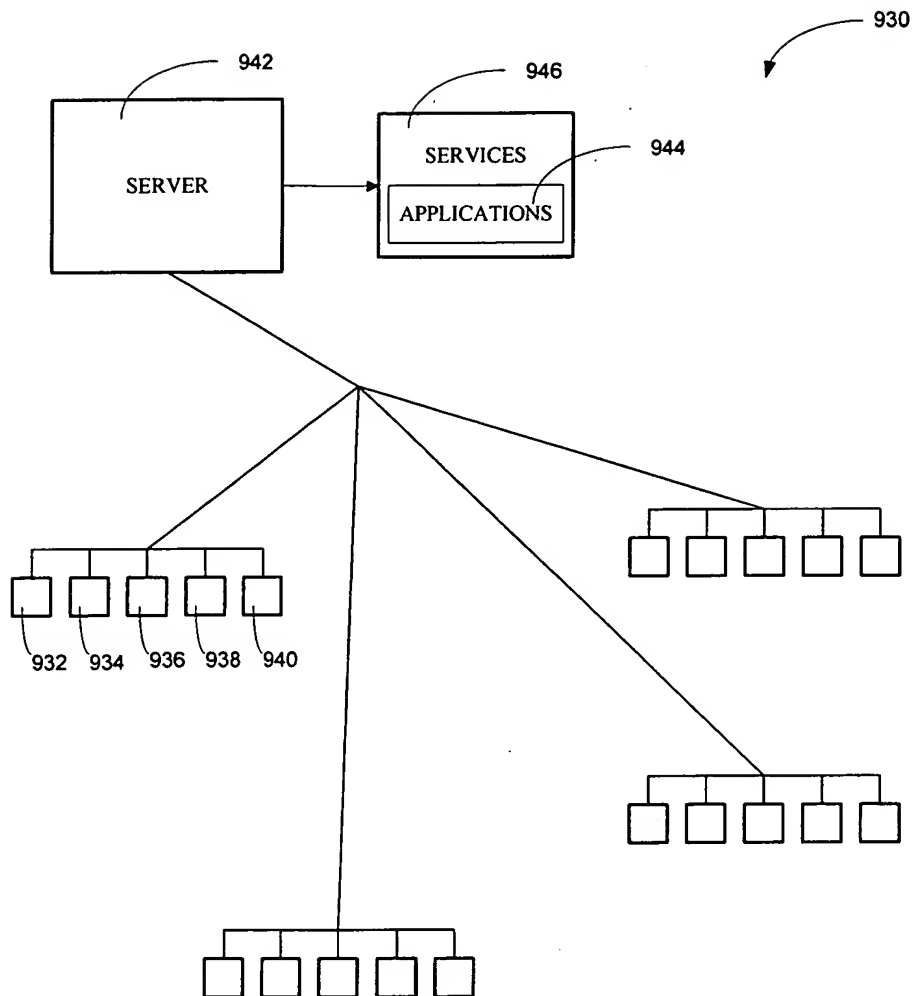


Fig. 20



WIDE AREA
NETWORK

Fig. 21

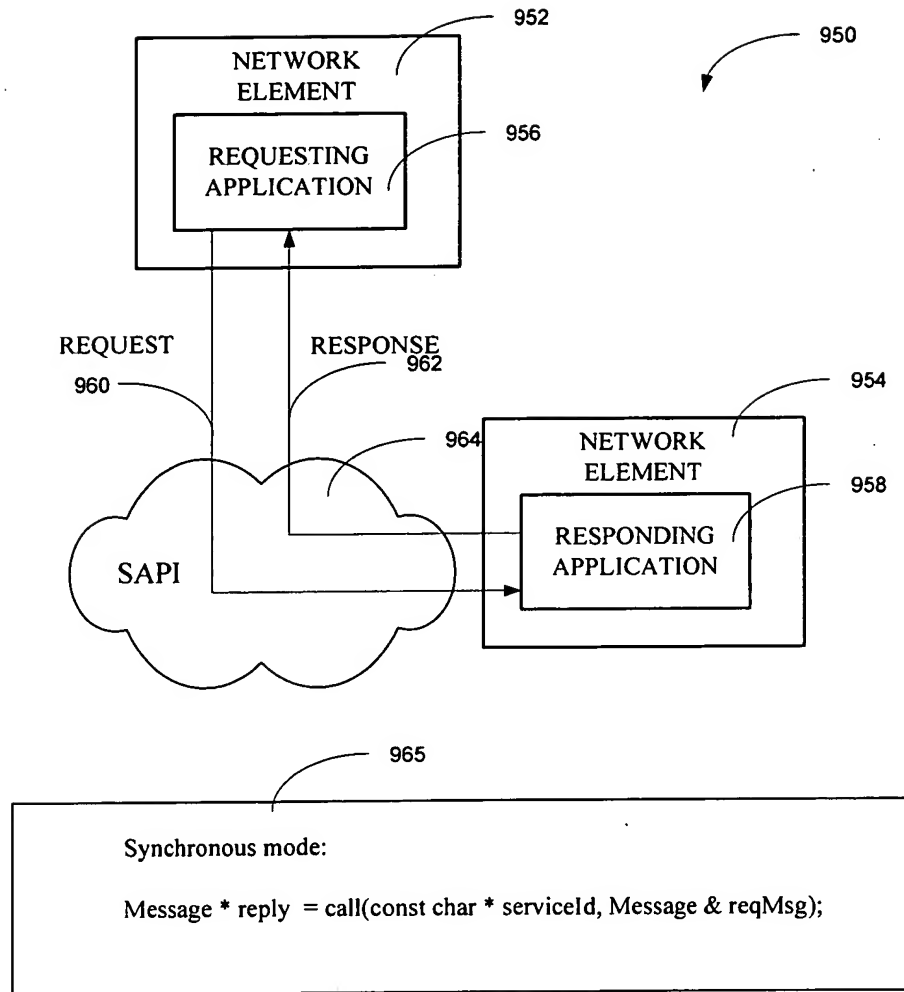


Fig. 22

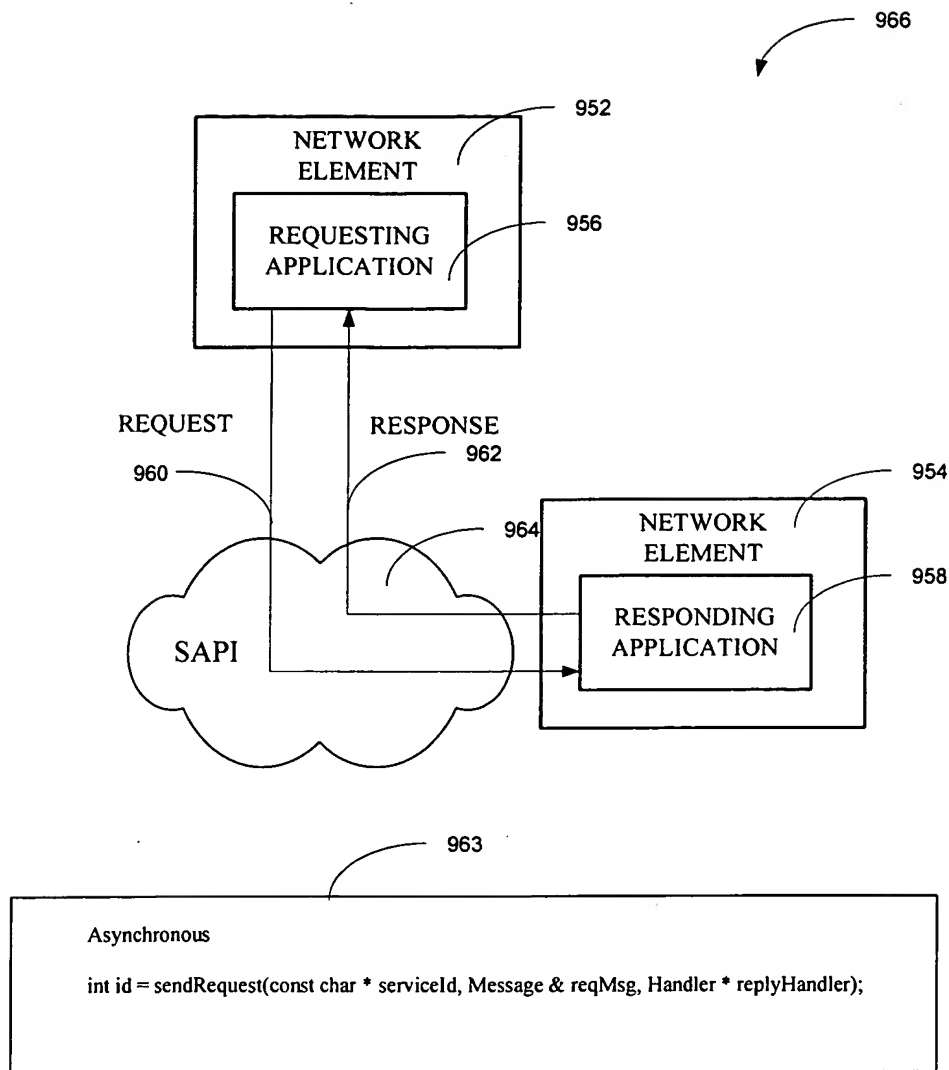


Fig. 23

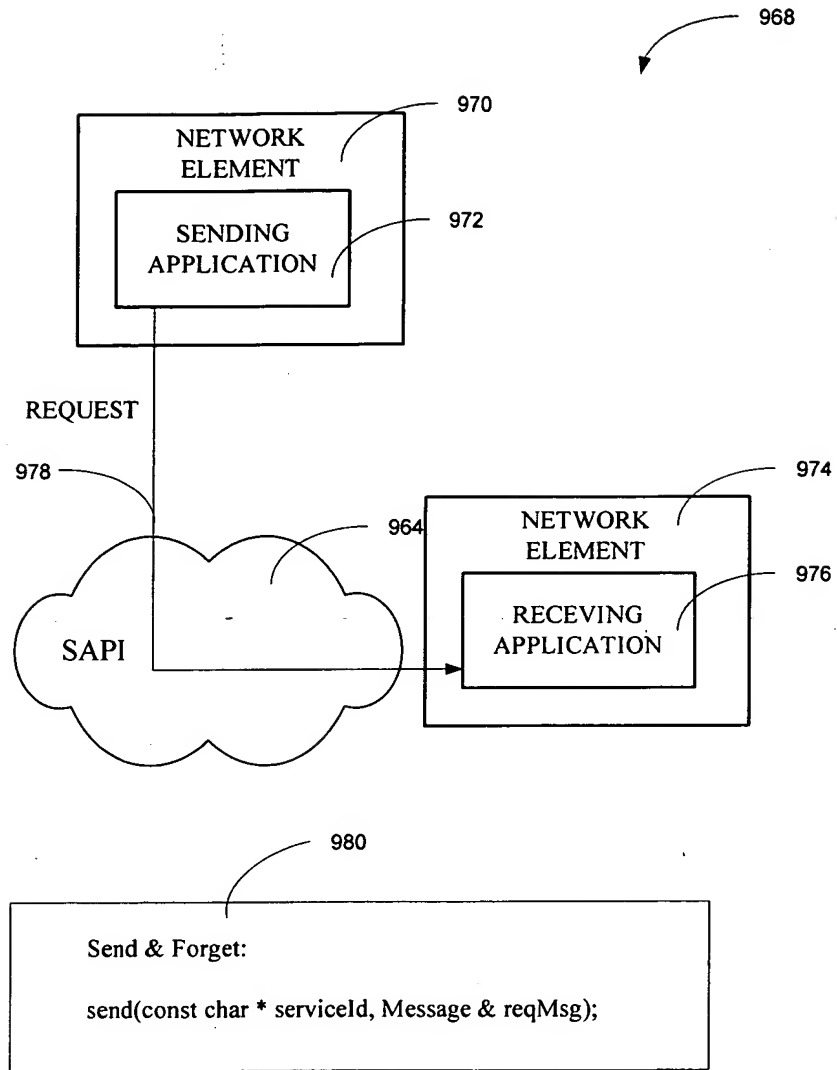


Fig. 24

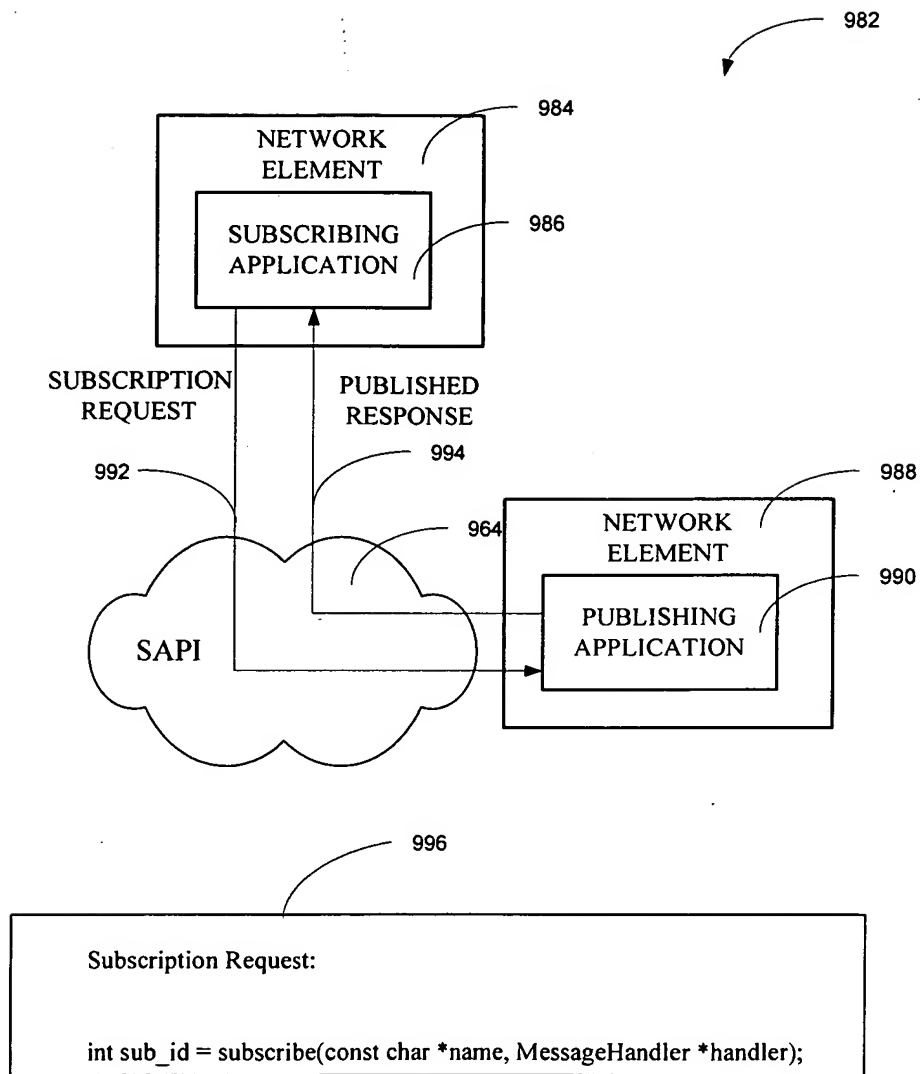


Fig. 25